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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 MICHAEL H. PONDER,

Case No. 2:18-cv-01604-APG-PAL

8 Plaintiff,

ORDER

9 v.

(Mot. WD Atty – ECF No. 5)

10 HANS-PETER WILD,

11 Defendant.

12 This matter is before the court on attorney Donna DiMaggio's Motion to Withdraw as  
13 Counsel of Record for Plaintiff (ECF No. 5). The motion represents that counsel has had a  
14 breakdown in communication regarding how best to proceed in the litigation making ongoing  
15 representation unreasonable and impossible. Ms. DiMaggio therefore seeks leave to withdraw as  
16 counsel of record. On information and belief counsel believes plaintiff retained another law firm  
17 to effectuate service of summons and complaint. Counsel notified plaintiff of the firm's intent to  
18 file this motion via email and certified mail on September 13, 2018.

19 The deadline for service of the summons and complaint in this matter is November 26,  
20 2018.

21 Having reviewed and considered the matter, and for good cause shown,

22 **IT IS ORDERED:**


- 23 1. Ms. DiMaggio's Motion to Withdraw (ECF No. 5) is **GRANTED**.  
24 2. The plaintiff shall have until **November 5, 2018** in which to retain substitute  
25 counsel who shall make an appearance in accordance with the requirements of the  
26 Local Rules of Practice or shall file a notice with the court that he will be appearing  
27 in this matter *pro se*, that is, representing himself.  
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3. Plaintiff's failure to timely comply with this order by either obtaining substitute counsel or filing a notice that he will be appearing in this matter *pro se* may result in the imposition of sanctions, which may include a recommendation to the District Judge that plaintiff's complaint be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

4. The Clerk of the Court shall serve the plaintiff with a copy of this order at his last known address:

Michael H. Ponder  
4045 S. Buffalo Dr., Ste. A101-283  
Las Vegas, Nevada 89147

DATED this 5th day of October 2018.

  
PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE